

AMENDED IN ASSEMBLY APRIL 20, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1358**

**Introduced by Assembly Member Mullin**

February 22, 2005

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An act to amend Section 17215 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1358, as amended, Mullin. Acquisition of proposed schoolsites: notice.

Existing law requires the governing board of each school district, before acquiring title to property for a new schoolsite, to provide the State Department of Education written notice of the proposed acquisition, along with any information required by the department, if the proposed site is within two miles, measured by air line, of that point on an airport runway or potential airport runway included in an airport master plan that is nearest to the site. Existing law requires the *State* Department of Education, upon receipt of the notice, to notify the ~~State~~ Department of Transportation in writing of the proposed acquisition. Existing law requires the Department of Transportation to investigate the proposed site and submit a report of its findings and recommendations concerning acquisition of the site to the *State* Department of Education. Existing law requires the *State* Department of Education to forward the report to the governing board of the school district. Existing law provides that state or local funds may not be apportioned or expended for acquisition of a site if the Department of Transportation's recommendation does not favor acquisition of the site.

This bill would ~~subject the proposed acquisition of a schoolsite by a charter school to these provisions~~ *require a school district to provide the Department of Transportation with that notice before commencing school operations on a new schoolsite. This bill also would make these provisions applicable to charter schools.*

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17215 of the Education Code is  
2 amended to read:

3 17215. (a) In order to promote the safety of pupils,  
4 comprehensive community planning, and greater educational  
5 usefulness of schoolsites, ~~before acquiring title to property for~~  
6 *commencing school operations on* a new schoolsite, the  
7 governing board of each school district, including any district  
8 governed by a city board of education, or a charter school, shall  
9 give the State Department of Education written notice of the  
10 ~~proposed acquisition~~ *school operations* and shall submit any  
11 information required by the State Department of Education if the  
12 ~~proposed~~ site is within two miles, measured by air line, of that  
13 point on an airport runway or a potential runway included in an  
14 airport master plan that is nearest to the site.

15 (b) Upon receipt of the notice required pursuant to subdivision  
16 (a), the State Department of Education shall notify the  
17 Department of Transportation in writing of the proposed  
18 ~~acquisition~~ *school operations*. If the Department of  
19 Transportation is no longer in operation, the State Department of  
20 Education shall, in lieu of notifying the Department of  
21 Transportation, notify the United States Department of  
22 Transportation or any other appropriate agency, in writing, of the  
23 ~~proposed acquisition~~ *school operations* for the purpose of  
24 obtaining from the department or other agency any information  
25 or assistance that it may desire to give.

26 (c) The Department of Transportation shall investigate the  
27 ~~proposed~~ site and, within 30 working days after receipt of the  
28 notice, shall submit to the State Department of Education a  
29 written report of its findings including recommendations  
30 concerning ~~acquisition~~ *of school operations on* the site. As part

1 of the investigation, the Department of Transportation shall give  
2 notice thereof to the owner and operator of the airport who shall  
3 be granted the opportunity to comment upon the ~~proposed~~  
4 ~~schoolsite~~ *site*. The Department of Transportation shall adopt  
5 regulations setting forth the criteria by which a ~~proposed~~ site will  
6 be evaluated pursuant to this section.

7 (d) The State Department of Education shall, within 10 days of  
8 receiving the Department of Transportation's report, forward the  
9 report to the governing board of the school district or charter  
10 school. The governing board or charter school may not ~~acquire~~  
11 ~~title to the property~~ *operate a school on the site* until the report of  
12 the Department of Transportation has been received. If the report  
13 does not favor ~~the acquisition of the property for a schoolsite~~  
14 ~~school operations on the site~~ or an addition to a present  
15 schoolsite, the governing board or charter school may not ~~acquire~~  
16 ~~title to the property~~ *operate a school on the site*. If the report  
17 does favor ~~the acquisition of the property for a schoolsite~~ *school*  
18 ~~operations on the site~~ or an addition to a present schoolsite, the  
19 governing board or charter school shall hold a public hearing on  
20 the matter prior to ~~acquiring the~~ *commencing school operations*  
21 *on the site*.

22 (e) If the Department of Transportation's recommendation  
23 does not favor ~~acquisition of a proposed~~ *school operations on the*  
24 *site*, state funds or local funds may not be apportioned or  
25 expended for ~~the acquisition of~~ *school operations on* that site,  
26 construction of any school building on that site, or for the  
27 expansion of any existing site to include that site.

28 (f) This section does not apply to sites acquired prior to  
29 January 1, 1966, nor to any additions or extensions to those sites.